



Appeal Decision

Site visit made on 12 March 2026

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Appeal Ref: APP/K1128/C/24/3342435

22 Barn Close, Woodlands, Ivybridge, Devon, PL21 9UU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr H Farleigh against an enforcement notice issued by South Hams District Council.
 - The notice was issued on 28 March 2024.
 - The breach of planning control as alleged in the notice is the construction of a conservatory and concrete steps leading to ground level.
 - The requirements of the notice are
 - (i) Remove the unauthorised conservatory and steps.
 - (ii) Remove from the land all materials arising from compliance with requirement (i).
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue in this case is the effect that the conservatory and steps have on the living conditions of neighbours.

Reasons

3. The appeal property is the central house in a terrace of three, having a very small rear garden that is significantly lower than the ground floor of the dwelling. A conservatory has been erected at the rear which has access from the house to the garden by way of an external raised platform down a flight of five steps, which has a protective metal balustrade. There is only a narrow gap between the side of the conservatory and the fencing panels on the boundary with No 21. There is a wider gap to the fenced boundary at No. 23.
4. The 3m x 3m conservatory is glazed on three sides with the side elevation windows being opaque. It has a monopitch solid roof.
5. The conservatory was constructed during 2020/21 on the understanding of the owner at the time that householder permitted development rights were available. However, a condition attached to planning permission 9/27/2025/90/3 for the original development removed permitted development rights for extensions.

6. Two applications in 2022 and 2023 for retrospective approval of the conservatory were refused due to the effect that the structure has on the privacy of neighbours.
7. The appellant refers to condition (f) of an outline planning permission (ref. 9/27/1577/86/1) which withdraws permitted development rights for extensions without the express permission of the LPA, and questions whether it is extant and enforceable. However, it appears that the relevant permission is the later one referred to by the Council. If the appellant wishes to challenge the condition this is not a matter which can be determined as part of this appeal. It is necessary for the appellant to submit an application to remove a condition. This enables the Council to consider if a condition is still necessary and, if refused, the decision can be appealed.
8. On the basis of certain assumptions, the appellant has applied the 45 degree guideline in the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD) in respect of the conservatory and has concluded that No 21 is unaffected and No 23 only marginally. Notwithstanding this assessment, the conservatory is highly visible as a result of its high floor level which exaggerates its bulk and massing. Its proximity to the adjacent dwellings results in an overbearing presence. The side windows are well above the top of the boundary fences and despite the use of opaque film or opaque glazing, it would be difficult not to be aware of the presence of a person within the conservatory, particularly when illuminated at night. The raised platform provides views into the neighbours' gardens having a material effect on their privacy. Whilst the layout of the nearby dwellings and the minimal sized gardens means that overlooking and privacy has already been compromised, this does not justify making the situation worse through the presence of the conservatory and raised platform.
9. I note that the steps are similar to those adjacent to the original house and the appellant states that there is no worsening of the level of overlooking. However I disagree with this as the new steps and platform enable a person to be 3m further from the house with a 'grandstand' view of the neighbours' gardens.
10. The appellant refers to similar developments permitted in Barn Close but details regarding these are not before me.
11. I conclude that the development fails to accord with Local Plan Policy DEV 1 which seeks to protect health and community and the provisions of the SPD. There are no conditions that would make the development acceptable.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

P N Jarratt

INSPECTOR